

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GBEKE MICHAEL AWALA,
No. 82074-054
Moshannon Valley Correctional Center
P.O. Box 562
Philipsburg, PA 16866

vs Plaintiff.

MARTIN P. DURKIN,
U.S. PROBATION OFFICER
U.S. DISTRICT COURT
LOCKBOX 39
844 KING STREET
Wilmington, DE 19801-3588

and

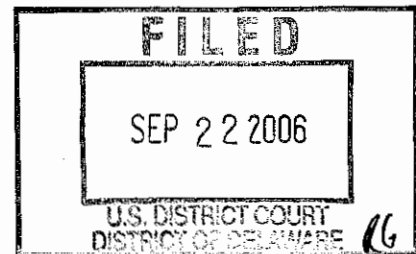
JOHN R. McDONOUGH
CHIEF U.S.S PROBATION OFFICER
CENTRAL OFFICE LOCATION
824 MARKET STREET
WILMINGTON, DE 19801-3588

and

U.S MARSHAL DANNY
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Defendants.

Civil No. 06-590



COMPLAINT AND JURY DEMAND

Gbeke Michael Awala, brings this Civil Rights Complaint by pro se and alleges as follows:

PRELIMINARY STATEMENT

At all times relevant hereto, Plaintiff appeared on January 18 2006 for a jury trial in this Court and On May 11, 2006, brought in for a setencing before Honorable Kent A Jordan under U.S. v. Awala Docket No. 1:04CR00090-001(KAJ), he was punished by the defendants

for the exercise of his constitutional right. Plaintiff is currently an inmate in the Moshannon Valley Correctional Center serving the sentence respectively under.

Plaintiff brings this Civil Rights action against the defendants to redress the deprivation, under the color of Federal Laws, or rights, privileges and immunities secured to him by the provisions of the Fifth, Eight, Ninth and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. §§1981, 1982, 1983 and 1985.

Plaintiff also alleges that Defendants unlawfully deprived him of his civil rights under the State of Delaware Constitution.

Plaintiff reserves the right to amend this Complaint as soon as Plaintiff's case file records in this matter are made available to him by the Federal Discovery Forum.

Plaintiff alleges that he was a victim of "miscarriage of Justice," abuse of process under Defendants realistic intent to distort the need for a reliable fact-finding, including those related to criminal trial and the essential procedural due process to the accuracy and uniformity of sentencing, defendants were knowing, deliberate and intentional, in disregard for the health, U.S. Citizenship Claim and well being, thus they remained partial despite the explosion of plaintiff's 'outburst,' prospective jurors ability to remain impartial was distorted and not accorded substantial weight whether their exist prejudice, more so, no question was asked by the court as to whether the juror would serve impartially despite the plaintiff's outburst.

Plaintiff alleges that the defendant unlawfully caused the jurors presumptuously as the record should reflect that the outburst should have affected the jury's ability to consider the totality of the evidence fairly and that it tainted the verdict based on the circumstances disposed by the defendant adding 'Obstruction of Justice,' parentically

emphasizing analogous to stipulation to mislead the precise facts to ~~immoence~~ whether the plaintiff bears guilt in hearing the utterance of an oath, testifying on his own behalf, a memorial portion of his biological birth parents Dorcas C. Brown and Moses Hime Awala and his Birth in Miami-Dade County Florida, the trial court by fire to exhort the U.S Probation Officers Mr. Durkin and Mr. McDonough without identifying from the pre-hearing on records or to use a preponderance of evidence meaningfully and explain that the information in the record enables him to exercise the Adjustment for Obstruction of Justice pursuant to U.S.S.G §3C1.1, two levels and yet had enormous impact on the case regarding plaintiff's application for de novo hearing on his u.S. Citizenship Claim.

Plaintiff allege that the prescribed manner regarding the defendants ignorance of his constitutional right in which ~~they erred from~~ beginning on the day he swears at trial the utterance of an oath a **memorial portion** testified and sworn without falsity, the defendants thoughtlessly construed as 'obstruction of Justice,' the judge acted presumptuously and showed partiality and pervert justice essential to the argument expressing as a matter of law that I have obtained permission or consent of the Secretary of the department of Homeland Security to reapply for admission and the substantial steps towards my reentry cannot be identified with the ultimate legal question of guilt, and neither common knowledge nor appraisal of probabilities will take the place of an omitted but essential element pointed out that the central purpose of my reentry was to enable me process my U.S. Citizenship according to those documents that properly established that I was born an American and without careful observation of statutes that were relevant in my case the defendant acted presumttuously and heeded the genealogical information presented them.

Plaintiff alleges that defendants knowingly and deliberately

with intent to distort the facts of plaintiff's birth as asserted his birth parents Dorcas C. Brown and Moses, and that he was born in Miami Florida, thereafter a case was filed in the Miami Dade County Circuit Court, wherein plaintiff detested the aliases unsupported by retroactive incident to prove he had used and carried thoses aliases, as listed in the Presentencing Report, page 2 and reads: Gbeke Michael Awala, Gary Proper, Ernesc Poltar, Ernese Poltar, Randi A. Laclamita, Jesse S Poulson, Richard Randolph, Joseph Tavalilla "Mike Mike". Although, no evidence were presented at trial to show that I had used these names, as if putting on one name and then another like a kabuki player changing masks during his performance, and there were no legitimate reason to borrow another name rather than using ones own name, moreover, actors and entertainers come to mind, however, in this case I had an innocent approach for the exercise of a constitutional right, and were is then the provisions of 3C1.1 located in my speech, where and when was it ever said by me that I had entered through Canada, on July 18, 2004 and uncorroborated P.S.I. Report when and how was it said to Mr. Durkin I had entered or reentered in June 2004, similarly, when did agents observed multiple of bags in a Ryder truck and " when was U.S. Marshall informed," I did what I had to do," as alleged in the P.S.I. Report, shortly after I screamed I want my mother in front of the jury box. The defendants proof on this issue above evident a stiff-neck people who were debriefed to pervert justice and show actual or real partiality permitting the Government to gain tactical advantage affecting substantial right and plain error requiring vacating of the sentence imposed as unreasonable in full because they have done a disgrace full thing, this tainted opinion was extended in front of other region of this country engraving my Constitutional rights to be afforded a complete hearing on my U.S. Citizenship claim at birth.

Plaintiff allege that each network was planned and from an outside opinion from Dr. Francois, see attached (Exhibit A), a letter from the Secretary of Health himself, wherein he misconstrued plaintiff's Father's Name MOSES as Moes and Plaintiff's Biological Mother's Name Dorcas mis-
construed as Dorles, this misconduct was intentional and does not presents a proof of "no record found," statement that can properly meet the burden on the Government to produce an authentic and accurate report under the Federal Rule of Evidence Rule 803(Heasay Exceptions), Sub-section 9(Records of Vital statistics) and (a no records found statement purported to state a diligent search was conducted, this letter proofs in part and portion of what the Office of Vital Statistics have been doing since they had been debriefed to deny my request, this letter does not justify a case as been proved beyond a reasonable doubt and a well defined "community sense of fair play and decency or meets the fundermental conceptions of justice, I will say that it is also contrary to the public interest both in Florida and in Delaware, more so any reasonable factfinder will ultimately remain in reasonable doubt and will forever remain so, because I have shown a clear proven delay from the Department of Homeland Security, since the Jan 1, 2004, incident and suffered actual prejudice from the Office of Vital statistics who, without given a Truth in Evidence, but consistently bear false statement after learning of my position been incarcerated, the Governor Jeb Bush persuaded the Secretary the chief to reply and do whatever the State functions declares, the conspiracy was so furiously more cognitive in overt act on the ground of this errors that can be proved as functional equivalent of a complete spoilation of birth records okay, not only the Fathers Names including Awala construed as At Awala I observe that the secretary signed the letter indicating my frustrations and thereafter instructed me to contact Eleventh Circuit Court in Miami Dade County, I'm not here to argue a clear proven irregularities, however,

but to show the court that their reports are unreliable and inaccurate for the Honorable Kent A Jordan to accept as a proof of fact.

Plaintiff alleges that the Probation Officer perjured himself because its a strange twist of justice in this land of freedom, under or Forfeiture Laws designed to give the Government the right to confiscate and keep luxurious possessions, they step off with my documents and seized them thereafter proceeded to strip me off my U.S. Citizenship at birth, they failed to answer, more willing to eradicate me and punish me for exercising my constitutional right. What then define a standard of justice, especially in this Court, this U.S. Probation Officer promised to get my Birth Certificate from Florida and get all my 100's of documents from the Border Inspectors, he presumed me guilty and this was reflected under his control and dominion of the report he prepared, he prepared it in malice for the U.S. Government, thus, he his not a trustworthy probation Officer, in fact 80% of my lost property is analogous to forfeiture Laws and the Government Beths Moskow Schnoll failed to expand this provisions to my case.

Plaintiff asserts this court is urged to issue a protective order enjoining the United States and all of its various departments, agencies, bureaus, agents, officers and employees, including Mr, Axel Gonzales from deporting plaintiff from the United states indefinetly untill he his afforded his Full U.S. Citizenship by birth Certificate

Naturalization. See United States v. Wong Kim Ark, 169 U.S. 649, 42 L Ed. 890, 1898 US LEXIS 1515, 18 S. Ct 456 (1898)(The Supreme Court found that the 14th Amendment conferred U.S. citizenship on Wong Kim at birth). And no further conflict of interest should be provided on the surface of justice. Peace with you all.

RELIEF SOUGHT

This Honorable court is in a position to grant an equitable relief pursuant to Rule 60(b) et seq, instead of ~~money~~ damages to spark the application submitted herein under N-4-00, pursuant to 8 U.S.C. §1421, certificate of naturalization under Judicial review in light of section 1421(b)(5)(A)(c), notwithstanding the requirements of **Good Moral Character**, plaintiff is a citizen at birth, and should be permitted to override, the Good Morale character requirement, More so, his single foray into Fraud and deceit conviction may not be condoned however, he will return to the community with intent to contribute positively to the society and and will be attached to the principles of the Constitution of the United states and his altercation with the Government is less serious and must ensure that his Citizenship application will not be denied.

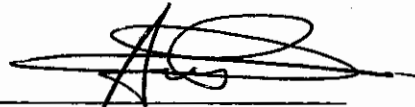
WHEREFORE in the event that this court threshed the punishment and judgment holding the plaintiff the court should expeditiously issue an order against the Custodian Honorable Mike Millward, to release plaintiff from his imprisonment as soon as possible.

Submitted under penalty of perjury to be true and correct.

Dated 9/15/, 2006.

IN SPIRIT AND IN TRUTH

Respectfully submitted,



GBEKE MICHAEL AWALA Pro Se
No. 82074-054
Moshannon Valey correctional Center
P.O. Box 2000
Philipsburg, PA 16866.

Cebe Michael Awala

No. 82074-054

Moshannon Valley Correctional Center,

P.O. Box 2000

PA 16866

Philipsburg

Log mail

U.S. MAIL
K-BAK

PETER T. DALLEO

CLERK STATES DISTRICT COURT
UNITED OF DELAWARE
DISTRICT OF

LOCK BOX 18

844 KING STREET

U. S. COURTHOUSE

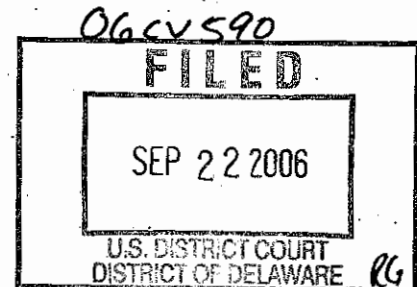
WILMINGTON, DELAWARE 19801



06-590

EXHIBIT

A



RG
Scanned



JOHN R. MCDONOUGH
Chief U. S. Probation Officer

MAIL ADDRESS:
J. CALEB BOGGS FEDERAL BLDG.
LOCKBOX #39
844 KING STREET
WILMINGTON, DE 19801-3588

Gbeke Awala
Federal Detention Center
P.O. Box 562
Philadelphia, PA 19105

Re: Presentence Report
Docket No. Docket No. 1:04CR00090-001(KAJ)

Dear Mr. Awala:

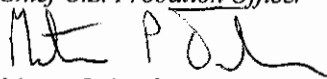
Enclosed please find a copy of the presentence report. A copy of the report has also been mailed to your attorney and the attorney for the Government. It is recommended that you contact your attorney, as soon as possible, upon receiving this report, and that you refrain from discussing the report with anyone else.

While the local rule does not prohibit you, or your attorney, from filing objections or documents directly with the Court, you may want to consider the fact that the documents will then become available to the public electronically. Letters of support, or perhaps a letter that you may want to send to the sentencing judge, should go through your attorney. If your attorney then sends them to the probation office, they can be sent to the judge, and to counsel for the Government, as part of the presentence report, and will not become a part of the public record.

By copy of this letter, I am also notifying your attorney, that he/she should communicate in writing, to the probation officer, any objections you may have to the material information contained in, or omitted from, the report.

Sincerely,

John R. McDonough
Chief U.S. Probation Officer


Martin P. Durkin
U.S. Probation Officer

MPD/jlg
Enclosure
cc: Esquire



CENTRAL OFFICE LOCATION:
SUITE 400
824 MARKET STREET
WILMINGTON, DE 19801-3588
302-252-2950
FAX: 302-573-6658

BRANCH OFFICE LOCATION:
ROOM 2201, FEDERAL BLDG.
300 S. NEW STREET
DOVER, DE 19904
302-677-0633
FAX: 302-677-0640



Jeb Bush
Governor

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary

August 2, 2006

Mr. Gbeke Michael Awala
Number 82074-054-Sho-403
Moshannon Valley Correctional Center
Post Office Box 2000
Philipsburg, PA 16866

Dear Mr. Awala:

Governor Bush asked me to reply to your July 4 letter regarding your birth certificate. I am sorry your search for your birth certificate has been so frustrating for you.

I asked Ken Jones, the Deputy State Registrar at the State Office of Vital Statistics, to give me an update on your request. You indicated in your letter that your parents are Dorles Brown and Moes At Awala, and that you were born on or around May 17, 1971 at Jackson Memorial Hospital in Miami-Dade County. Our Vital Statistics staff diligently searched Florida birth records several times, and could not locate a birth record with the information you gave us. Our staff also contacted Jackson Memorial Hospital on your behalf. Jackson Memorial Hospital also could not locate any records regarding your birth, based on the information you provided us.

By law in Florida, when we cannot locate the birth record, the Office of Vital Statistics cannot issue a birth certificate. Instead, we must issue a certified "no record found" statement. When our staff did not locate a record of your birth after several searches, we issued you the required certified statement as required by law.

However, this does not mean you cannot get your birth certificate if you were born in Florida. Section 382.0195, *Florida Statutes*, says that any person born in Florida who does not have a birth certificate can file a petition with the circuit court in the county of residence at the time of the birth. If there is enough evidence to support the petition, the circuit court can issue a "Delayed Certificate of Birth." I have enclosed a copy of that law for your information.

I suggest that you ask your attorney to assist you in contacting the Eleventh Circuit Court in Miami-Dade County to explore your options for obtaining a birth certificate through that venue.

Again, I am sorry that we were unable to locate your birth record. If you or your attorney have additional questions or concerns, please contact Mr. Jones at (904) 359-6982.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Rony François, M.D., M.S.P.H., Ph.D.".

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

MRF/kj/eca
Enclosure

Select Year: 2005

The 2005 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 382](#)
VITAL STATISTICS

[View Entire Chapter](#)

382.0195 Court-issued delayed birth certificate.--

(1) In addition to the provisions of s. 382.019, any state resident or person born in this state who does not have a birth certificate may, at any time after birth, file a petition in the circuit court in the county of residence or in the alleged county of his or her birth, setting forth the date, place, and parentage of birth and petitioning the court to issue a delayed birth certificate. The petition must be on a form furnished by the department and must be accompanied by a certified statement from the state registrar of the alleged state of birth, stating that, based on the facts submitted by the petitioner, a birth certificate for the petitioner is not on file.

(2) Upon the filing of the petition, the court shall hold a hearing at which time such evidence may be presented as may be required by the court to establish the fact of the petitioner's birth and the date, place, and parentage of his or her birth. However, a certificate may not be granted based solely on the uncorroborated testimony of the petitioner.

(3) If the evidence is sufficient, the court shall issue a delayed birth certificate on a form furnished by the department. Documentation submitted by the petitioner in support of the petition shall be recorded on the delayed birth certificate.

(4) The original and court copies of the delayed birth certificate issued by the court shall be distributed as follows:

- (a) One copy shall be filed in the circuit court as a permanent record.
- (b) If the birth occurred in this state, one copy shall be delivered to the petitioner and the original shall be mailed to the department by the clerk of the court within 10 days after the delayed certificate is issued by the court.
- (c) If the birth occurred outside this state, the original certificate plus one copy shall be delivered to the petitioner by the court.

(5) A delayed birth certificate issued by a court pursuant to this section and registered with the department may not be amended except by court order.

History.--ss. 1, 5, 6, 10, ch. 21931, 1943; s. 1, ch. 22887, 1945; s. 24, ch. 63-559; ss. 19, 35, ch. 69-106; s. 7, ch. 73-299; s. 24, ch. 73-334; s. 118, ch. 77-147; s. 7, ch. 83-230; s. 16, ch. 87-387; s. 667, ch. 95-148; s. 101, ch. 97-237.

Note.--Consolidation of former ss. 382.40, 382.44, 382.45, 382.48; former s. 382.018.

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Langloh, Drew

To: frank.perfinski@state.de.us

Subject: Gbeke Michael Awala

Dear Mr. Perfinski,

Thank you for looking into the matter of Mr. Awala's request.

Mr. Awala wrote me asking if I could provide him with the name of the individual that signed him into Foster Care. I have the following information.

Parents: Moses Awala, Dorcas Callendar Awala

Previous Address: 3601 N.W. 210 Terrace
Carroll City, Miami-Dade County
Miami Florida

He believes that he was signed into Foster Care around 1973. Not exactly sure of the date.

Awala's Current info:

Gbeke Michael Awala
Miami County
5 Cemetery Road
Hodestown, NJ 08098

I understand that you will investigate the information and communicate directly with Mr. Awala. Thank you for whatever help you provide to Mr. Awala.

Drew Langloh
President
United Way of Delaware
North Orange Street
Wilmington, DE 19801

Phone: 302.573.3788
302.573.2714
Email: DLangloh@uwde.org

17⁸[Exhibit G5]
3/14/05

IN THE UNITED STATES OF AMERICA

From the Desk of GBEKE MICHAEL AWALA

No. 82074-054

Moshannon Valley Correctional Center

P.O. Box 2000

Philipsburg, PA 16866

September 7, 2006.

TO: All Federal Prosecutors

SUBJECT: PROPOSED FORMULA AND/OR INSTRUCTION FOR NATURALIZATION

I. INTRODUCTION

The writer speaks what is right and demands that he be given his possession of inheritance amongst American Citizen, speaking of his birth in the United States of America and to gain the right diligently, the subject is at the moment diluted and diminish with the DOJ's instruction and process pursuant to Title 8 U.S.C. §1326, and since the U.S. Attorneys have applied discovered peril doctrine this process have discredit together the writer's generic right to contact and prepared to obtain form DH745, which is used to report the delayed event by the Court. This method was developed by the State of Florida's Circuit Court..For more information contact Mr. Ken Jones, Deputy State Registrar, State Office of Vital Statistics P.O. Box 210, Jacksonville, FL 32231.

MUST DEVELOP WRITTEN REVIEW PROCESS: The first description on this proposal is that the department charging the writer with violation of §1326 before investigating or without investigating the demanding privilege--the federal prosecutors voluntary and willingness to correct to date its use and carry in light of Title

8 U.S.C. §1326, to which the writer alleges its unconstitutional and legally inapplicable to him, the statute should have been invalidated only as it applied to him. In contrary See United States v. Awala, Case No. 04-901-KAJ, the write was instead prosecuted and convicted without affording him the benefits of the Florida Statute that grants a Delayed Birth Certificate. See attached letter. Marked Exhibit A. A Letter from the Florida's Secretary of health Dr. M. Rony Francois. Whereas in United States v. Treasury Employees, 513 U.S. 454, 478 (1995) see also Renne v. Geary, 501 U.S. 312. More so, the Government failed to afford a severability on the merits of the writer Mr. Gbeke Michael Awala's claim, therefore, this service is respectfully urged to adopt and apply principles in conjunction with the already existing Declaratory Judgment under Title 28 U.S.C. §2201, that the Government argued without the courts opinion that the provisions is for those not yet removed or deported from the United States, which can allow the Court of appeals and/or the District court to confer a de novo hearing on Nationality claims. Submitted for processing in the interest of justice.

Dated 9/12/, 2006.

Respectfully submitted,



cc: U.S. Attorney Delaware.
Beth M. Schnoll.

GBEKE MICHAEL AWALA Pro se
No. 82074-054

FILED

AUG 22 2006

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA****NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

GBEKE MICHAEL AWALA,

Plaintiff,

v.

Civil Action No.

06 1479UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE, *et al.*,

Defendants.

ORDER

This matter comes before the Court on its initial review of plaintiff's application to proceed *in forma pauperis*.

The Court hereby advises plaintiff that federal law, effective April 9, 2006, requires a plaintiff in a civil action to pay a filing fee of \$350.00. In order for the Court to consider plaintiff's motion, plaintiff must provide the Court with a certified copy of his trust fund account statement (or institutional equivalent), including the supporting ledger sheets, for the six-month period immediately preceding the filing of this complaint, obtained from the appropriate official of each prison at which plaintiff is or was confined. 28 U.S.C. § 1915. After submission of the trust fund information, the Court will determine plaintiff's ability to pay the entire amount in one payment. If the Court determines that plaintiff does not have sufficient funds to pay the filing fee at one time, the Court will assess an initial partial filing fee. After payment of the initial partial filing fee, monthly payments of 20 percent of the deposits made to the plaintiff's trust fund account during the preceding month will be forwarded to the clerk of the Court

N

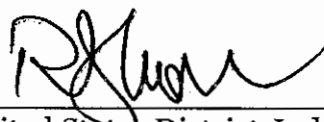
3

each time the account balance exceeds \$10.00. Payments will continue until the filing fee is paid.

Accordingly, it is hereby

ORDERED that, within thirty (30) days of this Order, plaintiff shall provide the information described above. Failure to comply with this Order will result in dismissal of this action.

SO ORDERED.

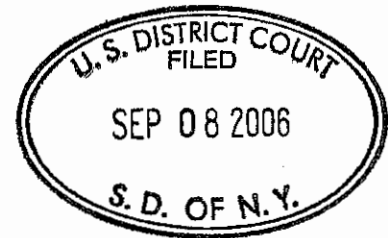


United States District Judge

DATE:



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GBEKE MICHAEL AWALA,

Plaintiff,

-against-

SAMUEL A. ALITO, JR., SUPREME COURT JUSTICE, in his individual capacity; ANTHONY J. SCIRICA, CHIEF JUDGE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, in his individual capacity; SUE L. ROBINSON, CHIEF JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, in her individual capacity; KENT A. JORDAN, DISTRICT JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, in his individual capacity; HEATHER TRANT, CLERK, U.S. SUPREME COURT, in her individual capacity; MARCIA M. WALDRON, CLERK, UNITED STATES COURT OF APPEALS, THIRD CIRCUIT, in her individual capacity; PETER T. DALLEO, CLERK, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE, in his individual capacity; ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, in his individual capacity; BETH E. MOSCHOW SCHNOLL, ASSISTANT U.S. ATTORNEY, U.S. ATTORNEY'S OFFICE, DISTRICT OF DELAWARE, in her individual capacity; COLM F. CONNOLLY, UNITED STATES ATTORNEY, DISTRICT OF DELAWARE, in his individual capacity; MARTIN P. DURKIN, U.S. PROBATION OFFICER, U.S. DISTRICT COURT, DISTRICT OF DELAWARE, in his individual capacity; RUTH E. JONES, CHIEF RECORDS SERVICE BRANCH, U.S. DEPARTMENT OF HOMELAND SECURITY, BUREAU OF CITIZENSHIP AND IMMIGRATION, in her individual capacity; M. RONY FRANCOIS, M.D., SECRETARY, DEPARTMENT OF HEALTH, FLORIDA DEPARTMENT OF HEALTH, in his individual capacity,

Defendants.

ORDER

06 Civ. 5412 (MBM)

By order dated July 18, 2006, this Court dismissed plaintiff's *pro se* complaint pursuant

to 28 U.S.C. § 1915(e)(2)(B), essentially for failing to state a claim on which relief may be granted. On August 30, 2006, the Court received the instant motion for reconsideration from plaintiff. The Court liberally construes the motion as brought pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. However, plaintiff's motion is DENIED for the reasons set forth below.

Nothing in plaintiff's instant motion justifies the setting aside of this Court's order or judgment. Despite plaintiff's instant allegations that the Court was mistaken in the law, the motion is not based on newly discovered evidence, Fed. R. Civ. P. 60(b)(2), or a cognizable claim of mistake, inadvertence, surprise or excusable neglect, Fed. R. Civ. P. 60(b)(1). It is well-settled that relief under Rule 60(b)(6) may be granted only in "extraordinary circumstances." See Ackerman v. United States, 340 U.S. 193, 199-202 (1950); Nemaizer v. Baker, 793 F.2d 58, 61 (2d Cir. 1986). Plaintiff's instant motion for reconsideration does not present such circumstances.

Furthermore, plaintiff should note that the Court's warnings in the July 18, 2006 order and in Awala v. United States, No. 06 Civ. 4848 (MBM) (S.D.N.Y. June 23, 2006), against the continued filing of meritless complaints remain in effect. Plaintiff may be precluded from filing future lawsuits by the "three strikes" provision of the Prison Litigation Reform Act of 1995 ("PLRA"), 28 U.S.C. § 1915(g). The provision states:

[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. 1915(g). See Malik v. McGinnis, 293 F.3d 559, 562 (2d Cir. 2002); Welch v. Galie, 207 F.3d 130 (2d Cir. 2000). This warning is necessary in light of plaintiff's relentless abuse of judicial resources.

Accordingly, plaintiff's motion for reconsideration is denied. The Clerk of Court is directed to accept no further submissions under this docket number, except for papers directed to

see page 113
71 Rule 24 - RR App.

the United States Court of Appeals for the Second Circuit. I certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED


MICHAEL B. MUKASEY
United States District Judge

Dated: SEP 08 2006
New York, New York

John 7:28 "you both know
me?"

Mark 11:29 (I also will lose

John 7:16 (doctrine)

John 8:23 You are from beneath.

John 9:3 neither this
man nor his parents sinned

OMB No. 1615-0052

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-400 Application for Naturalization

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

Part 1. Your Name. (The Person Applying for Naturalization)

Write your USCIS "A"- number here:
A

A. Your current legal name.

Family Name (Last Name)

AWALA

Given Name (First Name)

Gbeke

Full Middle Name (If applicable)

Michael

B. Your name exactly as it appears on your Permanent Resident Card.

Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

C. If you have ever used other names, provide them below.

Family Name (Last Name)

Given Name (First Name)

Middle Name

D. Name change (optional)

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☐ No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

Given Name (First Name)

Full Middle Name

Part 2. Information About Your Eligibility. (Check Only One)

I am at least 18 years old AND

A. ☒ I have been a Lawful Permanent Resident of the United States for at least five years.

B. ☐ I have been a Lawful Permanent Resident of the United States for at least three years, and I have been married to and living with the same U.S. citizen for the last three years, and my spouse has been a U.S. citizen for the last three years.

C. ☐ I am applying on the basis of qualifying military service.

D. ☒ Other (Please explain)

U.S. Citizen at Birth (Miami-Dade County).

For USCIS Use Only

Bar Code

Date Stamp

Remarks

Action Block

Part 3. Information About You.Write your USCIS "A"- number here:
A

A. U.S. Social Security Number

B. Date of Birth (mm/dd/yyyy)

05/17/1971

C. Date You Became a Permanent Resident (mm/dd/yyyy)

D. Country of Birth

United States of America

E. Country of Nationality

United States

F. Are either of your parents U.S. citizens? (if yes, see Instructions)

☐ Yes☐ No

G. What is your current marital status?

☐ Single, Never Married☐ Married☐ Divorced☐ Widowed☒ Marriage Annulled or Other (Explain)

Separated.

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application?

☐ Yes☒ No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.)

☒ Yes☐ No

If you answered "Yes," check the box below that applies:

☐ I am deaf or hearing impaired and need a sign language interpreter who uses the following language: _____☐ I use a wheelchair.☐ I am blind or sight impaired.☒ I will need another type of accommodation. Please explain:

USCIS is believed to have impaired the authority of State of Florida to issue my Birth Certificate, documents in support dwells with them.

Part 4. Addresses and Telephone Numbers.

A. Home Address - Street Number and Name (Do not write a P.O. Box in this space)

Apartment Number

555 Cornell Drive

Unit D601A

City

Philipsburg

County

State

PA

ZIP Code

16866

Country

U.S.A

B. Care of

Mailing Address - Street Number and Name (If different from home address)

Apartment Number

Gibbs-Coxman

Same as above

City

State

ZIP Code

Country

C. Daytime Phone Number (If any)

()

Evening Phone Number (If any)

()

E-mail Address (If any)

Part 5. Information for Criminal Records Search.Write your USCIS "A" - number here:
A

NOTE: The categories below are those required by the FBI. See Instructions for more information.

A. Gender☒ Male ☐ Female**B. Height**

5 Feet 6 Inches

C. Weight

250 Pounds

D. Are you Hispanic or Latino?☐ Yes ☒ No**E. Race (Select one or more.)**☐ White ☐ Asian ☒ Black or African American ☐ American Indian or Alaskan Native ☐ Native Hawaiian or Other Pacific Islander**F. Hair color**☒ Black ☐ Brown ☐ Blonde ☐ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)**G. Eye color**☒ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other**Part 6. Information About Your Residence and Employment.****A. Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet(s) of paper.**

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates (mm/dd/yyyy)	
	From	To
Current Home Address - Same as Part 4.A		Present
M.V.C.C P.O Box 2000		
philipsburg, PA.		

B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address (Street, City and State)	Dates (mm/dd/yyyy)		Your Occupation
		From	To	
Self-practice	Paralegal Service			Legal Aid

Part 7. Time Outside the United States.*(Including Trips to Canada, Mexico and the Caribbean Islands)*

Write your USCIS "A"- number here:

A

- A. How many total days did you spend outside of the United States during the past five years? days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past five years? trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet(s) of paper.

Date You Left the United States (mm/dd/yyyy)	Date You Returned to the United States (mm/dd/yyyy)	Did Trip Last Six Months or More?		Countries to Which You Traveled	Total Days Out of the United States
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Part 8. Information About Your Marital History.

A. How many times have you been married (including annulled marriages)? If you have **never** been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

Rivard

Nancy

Awala

2. Date of Birth (mm/dd/yyyy)

3. Date of Marriage (mm/dd/yyyy)

4. Spouse's U.S. Social Security #

08/31/80

5. Home Address - Street Number and Name

Apartment Number

104 5th Av

City

State

Zip Code

Quebec

Montreal

Part 8. Information About Your Marital History. (Continued)Write your USCIS "A"- number here:
AC. Is your spouse a U.S. citizen? ☐ Yes ☒ No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?

☐ At Birth☐ Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

3. Place your spouse became a U.S. citizen (*Please see Instructions*)

City and State

E. If your spouse is **not** a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

2. Spouse's USCIS "A"- Number (*If applicable*)

3. Spouse's Immigration Status

☐ Lawful Permanent Resident ☐ Other

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name (*Last Name*)Given Name (*First Name*)Full Middle Name (*If applicable*)

2. Prior Spouse's Immigration Status

☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other 3. Date of Marriage (*mm/dd/yyyy*)4. Date Marriage Ended (*mm/dd/yyyy*)

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other G. How many times has your current spouse been married (including annulled marriages)? If your spouse has **ever** been married before, give the following information about **your spouse's** prior marriage.

If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name (*Last Name*)Given Name (*First Name*)Full Middle Name (*If applicable*)

2. Prior Spouse's Immigration Status

☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other 3. Date of Marriage (*mm/dd/yyyy*)4. Date Marriage Ended (*mm/dd/yyyy*)

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other

Part 9. Information About Your Children.

Write your USCIS "A"- number here:

A

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet(s) of paper.

Full Name of Son or Daughter	Date of Birth (mm/dd/yyyy)	USCIS "A"- number (if child has one)	Country of Birth	Current Address (Street, City, State and Country)
William Awala	04/13/01	A	Canada	104 5th Av QC Montreal
		A		
		A		
		A		
		A		
		A		
		A		
		A		

Add Children

Go to continuation page

Part 10. Additional Questions.

Please answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

A. General Questions.

- Have you **ever** claimed to be a U.S. citizen (in writing or any other way)? ☒ Yes ☐ No
- Have you **ever** registered to vote in any Federal, state or local election in the United States? ☐ Yes ☒ No
- Have you **ever** voted in any Federal, state or local election in the United States? ☐ Yes ☒ No
- Since becoming a Lawful Permanent Resident, have you **ever** failed to file a required Federal state or local tax return? ☒ Yes ☐ No
- Do you owe any Federal, state or local taxes that are overdue? ☐ Yes ☒ No
- Do you have any title of nobility in any foreign country? ☐ Yes ☒ No
- Have you ever been declared legally incompetent or been confined to a mental institution within the last five years? ☐ Yes ☒ No

Part 10. Additional Questions. (Continued)Write your USCIS "A"- number here:
A**B. Affiliations.**

8. a. Have you **ever** been a member of or associated with any organization, association, fund foundation, party, club, society or similar group in the United States or in any other place? ☒ Yes ☐ No
- b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet(s) of paper.

Name of Group	Name of Group
1. World Paralegal Ass.	6.
2. Accounting Student Ass.	7.
3. Bankers Ass.	8.
4.	9.
5.	10.

9. Have you **ever** been a member of or in any way associated (*either directly or indirectly*) with:
- a. The Communist Party? ☐ Yes ☒ No
- b. Any other totalitarian party? ☐ Yes ☒ No
- c. A terrorist organization? ☐ Yes ☒ No
10. Have you **ever** advocated (*either directly or indirectly*) the overthrow of any government by force or violence? ☐ Yes ☒ No
11. Have you **ever** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group or political opinion? ☐ Yes ☒ No
12. Between March 23, 1933 and May 8, 1945, did you work for or associate in any way (*either directly or indirectly*) with:
- a. The Nazi government of Germany? ☐ Yes ☒ No
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? ☐ Yes ☒ No
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp or transit camp? ☐ Yes ☒ No

C. Continuous Residence.

Since becoming a Lawful Permanent Resident of the United States:

13. Have you **ever** called yourself a "nonresident" on a Federal, state or local tax return? ☐ Yes ☒ No
14. Have you **ever** failed to file a Federal, state or local tax return because you considered yourself to be a "nonresident"? ☐ Yes ☒ No

Part 10. Additional Questions. (Continued)Write your USCIS "A"- number here:
A**D. Good Moral Character.**

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer or attorney, told you that you no longer have a record.

15. Have you **ever** committed a crime or offense for which you were **not** arrested? ☒ Yes ☐ No
16. Have you **ever** been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason? ☒ Yes ☐ No
17. Have you **ever** been charged with committing any crime or offense? ☒ Yes ☐ No
18. Have you **ever** been convicted of a crime or offense? ☒ Yes ☐ No
19. Have you **ever** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☒ Yes ☐ No
20. Have you **ever** received a suspended sentence, been placed on probation or been paroled? ☒ Yes ☐ No
21. Have you **ever** been in jail or prison? ☒ Yes ☐ No

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet (s) of paper to give the same information.

Why were you arrested, cited, detained or charged?	Date arrested, cited, detained or charged? (mm/dd/yyyy)	Where were you arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.)
See . P.S.I			

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

22. Have you **ever**:
- a. Been a habitual drunkard? ☐ Yes ☒ No
 - b. Been a prostitute, or procured anyone for prostitution? ☐ Yes ☒ No
 - c. Sold or smuggled controlled substances, illegal drugs or narcotics? ☐ Yes ☒ No
 - d. Been married to more than one person at the same time? ☐ Yes ☒ No
 - e. Helped anyone enter or try to enter the United States illegally? ☐ Yes ☒ No
 - f. Gambled illegally or received income from illegal gambling? ☐ Yes ☒ No
 - g. Failed to support your dependents or to pay alimony? ☐ Yes ☒ No
23. Have you **ever** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal? ☐ Yes ☒ No
24. Have you **ever** lied to any U.S. government official to gain entry or admission into the United States? ☐ Yes ☒ No

Part 10. Additional Questions. (Continued)Write your USCIS "A"- number here:
A**E. Removal, Exclusion and Deportation Proceedings.**

25. Are removal, exclusion, rescission or deportation proceedings pending against you? ☐ Yes ☒ No
26. Have you **ever** been removed, excluded or deported from the United States? ☒ Yes ☐ No
27. Have you **ever** been ordered to be removed, excluded or deported from the United States? ☒ Yes ☐ No
28. Have you **ever** applied for any kind of relief from removal, exclusion or deportation? ☐ Yes ☒ No

F. Military Service.

29. Have you **ever** served in the U.S. Armed Forces? ☐ Yes ☒ No
30. Have you **ever** left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
31. Have you **ever** applied for any kind of exemption from military service in the U.S. Armed Forces? ☐ Yes ☒ No
32. Have you **ever** deserted from the U.S. Armed Forces? ☐ Yes ☒ No

G. Selective Service Registration.

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? ☒ Yes ☐ No

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (mm/dd/yyyy)

1996

Selective Service Number

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

H. Oath Requirements. (See Part 14 for the Text of the Oath)

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States? ☒ Yes ☐ No
35. Do you understand the full Oath of Allegiance to the United States? ☒ Yes ☐ No
36. Are you willing to take the full Oath of Allegiance to the United States? ☒ Yes ☐ No
37. If the law requires it, are you willing to bear arms on behalf of the United States? ☒ Yes ☐ No
38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? ☒ Yes ☐ No
39. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No

Part 11. Your Signature.Write your USCIS "A"- number here:
A

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date (mm/dd/yyyy)



9/19/06

Part 12. Signature of Person Who Prepared This Application for You. (If Applicable)

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the *exact questions* contained on this form.

Preparer's Printed Name

Preparer's Signature

Date (mm/dd/yyyy)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

Preparer's Address - Street Number and Name

City

State

Zip Code

NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.**Part 13. Signature at Interview.**

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through _____ and the evidence submitted by me numbered pages 1 through _____, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

Officer's Printed Name or Stamp

Date (mm/dd/yyyy)

Complete Signature of Applicant

Officer's Signature

Part 14. Oath of Allegiance.

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant